

**Grindlinger, Glenn S.**

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**From:** Maimon Kirschenbaum [REDACTED]  
**Sent:** Thursday, May 14, 2020 1:09 PM  
**To:** Richmond, Carolyn D.  
**Subject:** [EXT] FW: Capsolas v. Pasta Resources

Carolyn:

See below. There's about \$49k. We'd like to issue two checks to the two individuals identified below and give the remainder to Make the Road NY. Please confirm it's ok with y'all.

DMK

D. Maimon Kirschenbaum  
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[REDACTED]  
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**From:** Shethji, Pooja [REDACTED]  
**Sent:** Thursday, May 14, 2020 10:52 AM  
**To:** Maimon Kirschenbaum [REDACTED]; Denise Schulman [REDACTED]  
**Cc:** Swartz, Justin M. [REDACTED]  
**Subject:** FW: Capsolas v. Pasta Resources

Hi Maimon, Denise,

Following up on our call just now, we'd like to first have initial checks reissued for the two class members who alerted us to this (Bergaz and Florero) before the remainder is distributed to MRNY. Those details and the uncashed amount in the fund are below.

Thanks!  
Pooja

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**From:** Bernie Osterlund [REDACTED]  
**Sent:** Monday, April 20, 2020 12:41 PM

**To:** Shethji, Pooja [REDACTED]

**Cc:** Jeff Moore [REDACTED]; Patrick Passarella [REDACTED]; Tricia Solorzano [REDACTED]

Swartz, Justin M. [REDACTED]

**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Pooja,

There remain 3 of the 7 checks that have not yet been cashed. All told, there are 472 uncashed checks totaling \$49,107.

Mr. Bergaz was issued a check in 2012. Since he did not cash that check, he wasn't eligible for a second distribution. His initial check was sent to an address in New York City.

If you want to issue new checks to both Bergaz and Florero, let me know. The cost would remain at \$1700.

Bernie

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**From:** Shethji, Pooja [REDACTED]

**Sent:** Monday, April 20, 2020 9:29 AM

**To:** Bernie Osterlund

**Cc:** Jeff Moore; Patrick Passarella; Tricia Solorzano; Swartz, Justin M.

**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Hi Bernie,

Apologies for not getting back to you earlier. We have two questions first.

1. Would you please let us know whether the 7 uncashed checks you mentioned previously expired and what the total amount in the account is now?
2. I recently heard from Juan Bergaz who moved to Florida in 2008 and may be in the same position as Palemon Florero. Would you please check your records about Mr. Bergaz? If he is eligible to have his check reissued, too, would that change the \$1700 in costs you cited earlier?

I'm copying Justin here, as well.

Thanks,

Pooja

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**From:** Bernie Osterlund [REDACTED]

**Sent:** Monday, April 20, 2020 12:21 PM

**To:** Shethji, Pooja [REDACTED]; Yu, Stephanie [REDACTED]

**Cc:** Jeff Moore [REDACTED]; Patrick Passarella [REDACTED]; Tricia Solorzano [REDACTED]

**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Since I have not heard back from you on the below, should I assume that you no longer wish for his check to be re-issued?

Bernie

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**From:** Bernie Osterlund

**Sent:** Monday, March 23, 2020 10:22 AM

**To:** 'Shethji, Pooja'; 'Yu, Stephanie'

**Cc:** Jeff Moore; Patrick Passarella; Tricia Solorzano

**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Hi. I am following up on the below as I have not heard back from you. Did you want us to proceed with sending Mr. Florero a new check? If so, do you approve to have KCC pay itself \$1700 from uncashed funds?

Please advise.

*Bernie*

Bernella (Bernie) Osterlund

Director

KCC Class Action Services, LLC

P: 415-458-3678

M: 415-233-3631

[www.kccllc.com](http://www.kccllc.com)

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**From:** Bernie Osterlund

**Sent:** Friday, February 28, 2020 9:31 AM

**To:** 'Shethji, Pooja'; 'Yu, Stephanie'

**Cc:** Jeff Moore; Patrick Passarella; Tricia Solorzano

**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Pooja,

Mr. Florero's settlement award was [REDACTED]. After taxes, his net check was [REDACTED].

To re-distribute his check would cost \$1,700. The annual tax filing accounts for the majority of these costs.

Let me know if you are ok with these costs, and that KCC could be paid out of uncashed funds. If so, I'll go ahead and talk to class counsel.

*Bernie*

Bernella (Bernie) Osterlund

Director

KCC Class Action Services, LLC

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**From:** Bernie Osterlund

**Sent:** Friday, February 21, 2020 2:25 PM

**To:** 'Shethji, Pooja'; 'Yu, Stephanie'

**Cc:** Jeff Moore; Patrick Passarella; Tricia Solorzano

**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Pooja,

There are over 400 uncashed checks. All but 7 of them are past their stale date. Those 7 checks go stale on April 14<sup>th</sup> if not cashed. So there will be money remaining in the QSF.

The Settlement Agreement allowed KCC to deduct their costs for the re-distribution from remaining funds. If you and class counsel are willing to allow this again, we could run a one-off distribution for Mr. Florero. Before broaching this with class counsel, I'll get a cost estimate for running a one-off distribution so you know how much we're talking about.

Bernie

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**From:** Shethji, Pooja [REDACTED]  
**Sent:** Friday, February 21, 2020 1:41 PM  
**To:** Bernie Osterlund; Yu, Stephanie  
**Cc:** Jeff Moore; Patrick Passarella; Tricia Solorzano  
**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Hi Bernie,

I understand that Mr. Florero left New York in 2010 and returned last year. Can his check not be reissued if he did not cash the 2012 check?

Thanks,  
Pooja



**Pooja Shethji | Associate**  
601 Massachusetts Ave NW, Suite 200W | Washington, DC 20001  
T 202-847-4400 | F 646-509-2012  
[REDACTED] | [Bio](#)



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**From:** Bernie Osterlund [REDACTED]>  
**Sent:** Friday, February 21, 2020 4:37 PM  
**To:** Yu, Stephanie [REDACTED]  
**Cc:** Jeff Moore [REDACTED]; Patrick Passarella [REDACTED]; Tricia Solorzano [REDACTED]; Shethji, Pooja [REDACTED]  
**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Stephanie,

In looking closer at this matter, class members who cashed their initial check from 2012 were issued a 2<sup>nd</sup> check last year. Unfortunately, Mr. Florero did not cash his check from 2012.

His 2012 check was mailed to the address you show below. Only we have the city as Richmond Hill, NY. I googled the zip code and it confirmed that the city associated with that zip code is Richmond Hill (which is in Queens County).

Bernie

Bernella (Bernie) Osterlund  
Director  
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**From:** Yu, Stephanie [REDACTED]  
**Sent:** Friday, February 21, 2020 1:13 PM  
**To:** Bernie Osterlund  
**Cc:** Jeff Moore; Patrick Passarella; Tricia Solorzano; Shethji, Pooja  
**Subject:** RE: Capsolas v. Pasta Resources - Check Reissued for Palemon Florero [IWOV-OGDMS.FID58519]

Thank you for taking the time to talk to me, Bernie!

The class member who is looking to get his check reissued is Palemon Florero. His address is:  
[REDACTED]

Please let me know if you encounter any issues.

I'm cc'ing Pooja Shethji, the attorney, so she is aware.

Best,  
Stephanie

[REDACTED]  
**Stephanie Yu | Litigation Operations Coordinator**  
685 Third Ave 25th Floor | New York, NY 10017  
T 212-245-1000 | F 646-509-2060  
[syu@outtengolden.com](mailto:syu@outtengolden.com)



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**From:** Bernie Osterlund [REDACTED]  
**Sent:** Friday, February 21, 2020 4:07 PM

To: Yu, Stephanie [REDACTED]

Cc: Jeff Moore [REDACTED]; Patrick Passarella [REDACTED]; Tricia Solorzano [REDACTED]

**Subject:** Capsolas v. Pasta Resources

Stephanie,

It was nice talking to you today. Please send me the name of the class member who wants their check re-issued. I'll check their records to make sure his/her check is eligible to be re-issued and status you back.

I'll have an accounting of the fund prepared and send to you early next week.

Please feel free to reach out to me at any time.

*Bernie*

Bernella (Bernie) Osterlund  
Director  
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